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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision : April 19th, 2007

\+ CRL.REV.P. 81/2005

ANJU KHURANA ..... Petitioner
Through Mr. Hari Narayan Takkar, Advocate

versus

STATE & ANR. ..... Respondent
Through Mr. O.P.Saxena, Advocate for State
Mr. R.N.Sharma, Advocate for respondent

CORAM:
Mr. Justice S. Ravindra Bhat

1. Whether reporters of local papers may be allowed to see the judgment.?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in the Digest?

Mr. Justice S. Ravindra Bhat (Open Court)

1. This revision petition is directed against an order dated 23.8.2004 whereby two accused namely Smt. Savita and Amrit Khurana were discharged.

2. The petitioner had complained that the said accused along with her father-in-law B.D.Khurana, Sanjay Khurana and Prem Khurana had committed offences under Sections 341/448/380/34 IPC.

3. Learned counsel contended that the impugned order is unsustainable as it is premised on a complete mis-appreciation of the materials on record. The complainant recorded her statement on 11.7.2000. After attending her case in the Crime Against Women Cell, where she complained against her husband and the said accused about offences

under Sections 498A/406 when she returned to the matrimonial home she found that the accused had locked the premises and taken away all her household goods and articles. She had been told that the house has been sold to some one else.

4. Counsel took me through the statement recorded and submitted that on 4.7.2000, the accused threatened to throw all the household goods/articles from the premises of the informant but she did not take the matter seriously, and went to school, where she was teaching. The further allegation is that when she returned on 6.7.2000, her father-in-law and her brothers-in-law were outside the premises and informed her that her household articles had been removed; the house has been sold to some one else.
5. Counsel for the respondent urged that none of the ingredients of the offences alleged were made out as far as the discharged accused were concerned. Although there was a vague statement about 4.7.2000, the actual incident took place on 6.7.2000, when the complainant did not allege about the presence of the two accused petitioners namely Smt. Savita and Amrit Kaur. The specific allegations and the persons named were the other accused.
6. It was contended that the complaint had been previously notified about the impending disposal of the premises as she was living away from the matrimonial home with her parents. It was submitted that in spite of being aware about such change she did not deliberately take back her goods. In any event counsel contended that no offence was made out because the two accused were rightly discharged and that the order of court was just and proper.
7. Although the complainant in her statement on 7.11.2000 has alleged that some account of statement was made by all the accused on 4.7.2000 the actual incident is said to

have occurred on 6.7.2000. On that date she made a specific mention about the presence of three accused but not of the those who are discharged. In these circumstances I am of the opinion, after considering the materials on record including the file of the trial court that the impugned order is unexceptionable not requiring interference.

8. The petition is accordingly dismissed. The records of the trial court shall be returned back forthwith.

(S.RAVINDRA BHAT)
JUDGE

APRIL 19, 2007
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